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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Isao OTA et al.

Group Art Unit: 1765

Application No.: 10/015,675

Examiner: L.T. Umez Eronini

Filed: December 17, 2001

Docket No.: 111483

For: CERIUM OXIDE SOL AND ABRASIVE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the January 30, 2004 Restriction Requirement, Applicants provisionally elect Group I, claims 1-3 and 11-18, with traverse.

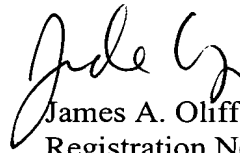
The Office Action asserts that Group I, claims 1-3 and 11-18, are drawn to a sol composition; and that Group II, claims 4-10, are drawn to a method of making a sol. In addition, the Examiner asserts that the inventions are distinct because either the process as claimed can be used to make other materially different products or the product as claimed can be made by another material different process.

However, in the instant application, claim 10 is not directed to a process for producing a sol or a method for making a sol. Thus, the stated basis for restricting between the two Groups does not apply to claim 10. Thus, claim 10 should be classified in Group I and examined with claims 1-3 and 11-18.

It is also respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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Date: February 17, 2004

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